

REMARKS

Claims 1-23, 25-32, and 34-37 are pending in the application. Claims 1, 7, 13, 18, 20, 26, 30 and 34 have been amended. Claims 24 and 33 have been cancelled as a result of a restriction requirement. The Applicants reserve the right to file a divisional application covering the non-elected claims. No new matter is introduced by these amendments.

Rejections under 35 USC 102

Claims 1-23, 25-32, and 34-37 were rejected as being anticipated by US Patent No. 6,090,217 to Kittle. The Applicants respectfully request that the Examiner reconsider these rejections in light of the arguments below.

Claims 1, 13, 20, and 30 have been amended and are directed toward methods and apparatuses for removing a layer of a substrate surface. Claim 1 has been amended to specify that the reactive gas includes ozone, as previously specified in claim 7. Kittle is silent as to the inclusion of ozone and ozone not a constituent of air as verified in the attachment provided by the Examiner in the last Office Action.

Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn and that a new search is not necessary as features from claim 7 have been added to claim 1. Claims 13, 20, and 30 have been amended to specify that the reactive gas includes ozone. This feature was included from a corresponding dependent claim from each of the independent claims. Applicants respectfully submit that the amendments to claims 1, 13, 20, and 30 will not require a new search as each of the independent claims were amended with material from a dependent claim that was previously searched.

In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance, as allowable features have been incorporated into each independent claim. A notice of allowance is respectfully requested. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6921. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. LAM2P422). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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